



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cox *et al.*

Appl. No. 09/942,919

Filed: August 31, 2001

For: **Endoluminal Prostheses and
Therapies for Highly Variable
Body Lumens**

Confirmation No. 9761

Art Unit: 3738

Examiner: To Be Assigned

Atty. Docket: P513 DIV1
(1737.1460008/LEA/DTJ)

**Petition in Response to Notice of Omitted Items
in a Nonprovisional Application**

RECEIVED

NOV 29 2001

Commissioner for Patents
Washington, D.C. 20231

**OFFICE OF PETITIONS
DEPUTY A/C PATENTS**

Sir:

In response to the Notice of Omitted Items in a Nonprovisional Application Filed Under 37 C.F.R. § 1.53(b), Applicants contend that page 20 of the specification was in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers filed August 31, 2001. With this petition, Applicants submit a copy of a date-stamped postcard bearing an OIPE date-stamp of August 31, 2001 as evidence of the deposit. The date-stamped postcard recites that the USPTO acknowledges receipt of "A true copy of U.S. Utility Patent Application No. 09/121,226... consisting of a specification containing 31 pages of description prior to the claims...." Applicants contend that page 20 of the specification was included in the 31 pages prior to the claims and was submitted with the application, as recited on the postcard. Accordingly, Applicants request that the filing date of August 31, 2001 be maintained for the complete application, including page 20.

With this petition, Applicants submit a true copy of allegedly omitted page 20 of the specification.

10/15/2001 SSESHE1 00000096 09942919

01 FC:122

130.00 OP

Adjustment date: 01/23/2002
10/15/2001 SSESHE1 00000096 09942919
01 FC:122
Repln. Ref: 01/23/2002-AVELLE 00175800
DAH:190036 Name/Number:09942919
FC: 704

The petition fee (37 C.F.R. § 1.17(h)) for \$130.00 is provided in our accompanying Check No. 32829. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Applicants respectfully request a refund of the petition fee should the USPTO determine that it did receive page 20 of the specification with the application filing on August 31, 2001. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Dustin T. Johnson
Agent for Applicants
Registration No. 47,684

Date: October 12, 2001

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 12/18/01

2 Serial/Patent # 09/942,919

3 Please refund the following fee(s):

4 PAPER
NUMBER

5 DATE
FILED

6 AMOUNT

Filing

Amendment

Extension of Time

Notice of Appeal/Appeal

X Petition

Issue

Cert of Correction/Terminal Disc.

Maintenance

Assignment

Other

4

10/12/01

\$130

7 TOTAL AMOUNT
OF REFUND

\$130

8 TO BE REFUNDED BY:

10 REASON:

Overpayment

Duplicate Payment

X No Fee Due (Explanation):

Treasury Check

Credit Deposit A/C #:

9 19 -- 0036

PTO error / fee unnecessary

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: E-Tannouse

TITLE: Pat. Atty.

SIGNATURE: [Signature]

PHONE: 306-9200

OFFICE: 4700

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APPROVED: Alicia Kelly

DATE: 1-23-02

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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Crystal Park One, Room 802B